IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

TUESDAY, THE 13TH NOVEMBER 2007 / 22ND KARTHIKA 1929

WP(C).No. 13281 of 2007(F)

PETITIONER:

RAGHAVAN, S/O.KOCHUKUNJU, AGED 57 YEARS,
RECORD KEEPER, KOLLAM PRIMARY CO-OPERATIVE
AGRICULTURAL RURAL DEVELOPMENT BANK LTD.NO.Q-167,
KOLLAM AND RESIDING AT ALUVILA VEEDU,
NADUVILAKKARA, KOTTIYAM, KOLLAM.

BY ADV. SRI.C.RAJENDRAN

RESPONDENTS:

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1. THE STATE OF KERALA REPRESENTED BY
ITS SECRETARY TO CO-OPERATION, SECRETRIAT,
THIRUVANANTHAPURAM.

2. THE REGISTRAR OF CO-OPERATIVE SOCIETIES,
THIRUVANANTHAPURAM.

3. THE JOINT REGISTRAR,
OFFICE OF THE CO-OPERATIVE JOINT REGISTRAR,
KOLLAM.

4. THE ASSISTANT REGISTRAR,
OFFICE OF THE CO-OPERATIVE ASSISTANT REGISTRAR,
KOLLAM.

5. SECRETRY, KOLLAM PRIMARY CO-OPERATIVE
AGRICULTURAL RURAL DEVELOPMENT BANK LTD.NO.Q-167,
KOLLAM.

BY ADV. SRI.S.HARIKRISHNAN
SRI.C.UNNIKRISHNAN (KOLLAM)
GOVT. PLEADER, SRI.P.K.RAVIKRISHNAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 13281/2007/F

APPENDIX

PETITIONER'S EXHIBITS:

EXT. P1: COPY OF THE SAID RECOMMENDATION DATED 19/06/2006.

EXT. P2: COPY OF THE PERFORMA.

EXT. P3: COPY OF THE OPTION DATED 01/07/06.

EXT. P4: COPY OF THE RECOMMENDATION DTED JULY, 2006.

EXT. P5: COPY OF THE LETTER DATED 31-08-06.

EXT. P6: COPY OF THE REPRESENTATION DATED 26-12-06.

/TRUE COPY/

P.A. TO JUDGE

JP

THOTTATHIL B. RADHAKRISHNAN, J.

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WP(C).No.13281 of 2007-F

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Dated this the 13th day of November, 2007.

JUDGMENT

1. Heard.

2. The undisputed factual position is as emerging in Ext.P5. There had been a wrong fixation of a higher grade as has been found in Ext.P5. There is no legal infirmity or jurisdictional error in such finding. However, having regard to the totality of the facts and circumstances, it appears to be inappropriate and unjust to direct the petitioner, who is due to retire from the category of Record Keeper, to reimburse amounts which are over paid, going by the findings in Ext.P5.

3. In the result, the impugned Ext.P5, to the extent it directs

recovery, is quashed, while sustaining the finding that the salary has to be re-fixed in terms of the directions contained in Ext.P5. Such re-fixation shall be relevant only for the purpose of determining retiral dues of the petitioner. There shall be no recovery on the basis of Ext.P5. The writ petition is disposed of accordingly.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

Sha/